

Appl. No. 09/833,847
Response Dated May 21, 2004
Reply to Office Action of 11/21/03
Submission Accompanying RCE

Remarks/Arguments

Reconsideration of the application is respectfully requested.

Applicant requests that the amendments previously filed in response to the Examiner's office action of November 21, 2003, including those amendments filed on February 23, 2004, be entered in this application prior to entry of the amendments set forth above. Applicant requests cancellation of Claims 2, 3, 5, 8, 16, and 17.

Objections and § 112 Issues

In the Advisory Action issued by the Examiner on March 22, 2004, the Examiner indicated that the amendments filed on February 23, 2004 overcame the objections to the claims and the Section 112 (second paragraph) rejections. Accordingly, entry of those amendments, as requested above, is believed to be a full and complete response to each of those issues. To the extent argument in response is required, the Applicant hereby incorporates its arguments of February 23, 2004 as if fully set forth herein.

Claim Rejections, § 103

Following the response of the Applicant dated February 23, 2004 and the Advisory Action of the Examiner mailed March 22, 2004, the Application stands rejected under 35 USC § 103(a) as to all claims currently pending, on the basis of JP '573 in combination with GB '758, as well as various prior art references. Common to all rejections is the reliance upon JP '573 in combination with GB '758. Rejections relative to claims 2, 3, 5, 8, 16, and 17 are now moot and overcome due to their cancellation.

The examiner has indicated that the arguments made by the Applicant in the February 23, 2004 response rely upon features not recited in the claims. Specifically, the Examiner calls to the Attention of the Applicant the need to include in the claims "the rod being a

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drape mechanism to allow the cover to be draped thereover and the rod being able to spin freely. While the Applicants believe that at least some of the claims sufficiently included these elements, Applicant appreciates the suggestion of the Examiner that these limitations be added to the claims. To that end, the Applicant has adopted the suggestion of the examiner and amended the claims to include these limitations. Based on these amendments and on the arguments previously presented on February 23, 2004 (which the Applicant hereby incorporates by reference) the claims are believed to be allowable.

Moreover, Applicant additionally points the Examiner two specific limitations in the claims as now presented that bear consideration and special comment:

1. The configuration of the invention in which the support structure is mounted on a flatbed trailer for ease of mobility. A claim incorporating the limitation that the support structure have wheels was previously presented at dependent claim 8. By virtue of these amendments filed herewith, the Applicant has amended Claim 4 to specifically recite not only the presence of wheels, but the use of a flatbed trailer as the base. Applicant respectfully requests that the Examiner consider this limitation, and specifically address it in the event that a future rejection is issued.

2. The location of the freely rotatable rod being above the height of the vehicle. This is now present in Claim 1 (and its dependents) as well as claims 18 and 19. Locating the rod in such a position allows the device to be used as a station that vehicles can rapidly drive under and have their cargo covered.

Applicant respectfully requests that the Examiner withdraw the rejections and issue a Notice of Allowance in this case..

Fees

An extension of three months is required and is hereby petitioned for. Applicant has enclosed the fees for an extension of three months.

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Applicant has diligently sought to comply with all requirements and to correct all informalities and objections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
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5-21-04
Date

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